

Application No. 10/090,183 - - - - 3

### REMARKS

Claims 1, 2, 7, 8, 10, and 32-34 are pending in this application.

Claims 3-6, 9, and 11-31 have been cancelled without prejudice.

Claims 1, 2, 7, 8, 10, and 32-34 have been amended.

Each of the claims have been amended to delete the term "DNA vaccine" and insert the term "therapeutic composition" in its place, as suggested by the Examiner. In addition, claim 1 has been amended to incorporate the limitations of cancelled claim 6, and claims 7 and 8 were amended to change the dependency from claim 6 to a claim 1. Support for these amendment can be found in original claims 1 and 6, as well as in the specification, e.g., at page 10, lines 16-25, and in the working examples, e.g., Examples 1 and 2 on pages 15-16. Applicants thank the Examiner for his helpful suggestions regarding amendments to the claims.

No new matter is added by these amendments.

### Claim Objections

Claim 32 was objected to for informalities related to the use of the indefinite article "a" instead of the definite article "the" before the word "vaccine". In response, the claim has been amended to replace "a" with "the" as suggested by the Examiner.

Similarly, claim 34 was objected to for omitting the definite article "the" before the word "polynucleotide". In response, the claim has been amended to add "the" before the word "polynucleotide" as suggested by the Examiner.

### Rejections Under 35 U.S.C. §112.

Claims 1, 2, 7, 8, 10, and 32-34 stand rejected under the first paragraph of 35 U.S.C. §112 as allegedly lacking an enabling disclosure. According to the Office Action, the rejection is predicated on the use of the term "vaccine" in the claims. The Examiner has indicated that replacing the term "vaccine" with "therapeutic composition" would overcome this rejection. In response, each of the claims has been amended to replace "vaccine" with "therapeutic composition". Accordingly, Applicants request that this ground for rejection be withdrawn.

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**Rejections Under 35 U.S.C. §102.**

Claims 1, 2, 33 and 34 stand rejected under 35 U.S.C. §102 as allegedly being anticipated by Quinn *et al.* Claims 6, 7, 8, and 32 were not included in this rejection, and were, therefore considered patentable over the applied art. Claim 1 has been amended to incorporate the limitations of cancelled claim 6. All the present claims depend either directly or indirectly on claim 1. Accordingly, all of the present claims are patentable over Quinn *et al.*

**Conclusion.**

All of the present claims comply with the requirements of 35 U.S.C. §112 and are patentable over the prior art. Applicants request allowance of claims 1, 2, 7, 8, 10, and 32-34 and early passage of the application to issue.

Respectfully submitted,

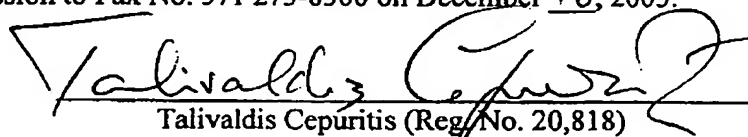
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By   
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.  
20 North Wacker Drive  
36th Floor  
Chicago, Illinois 60606  
(312) 580-1180

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this AMENDMENT AND RESPONSE UNDER RULE 111 is being transmitted by facsimile transmission to Fax No. 571 273-8300 on December 16, 2005.

  
Talivaldis Cepuritis (Reg. No. 20,818)